

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

\* \* \* \* \*

1	B.P.J., by her next friend and	*	
2	Mother, HEATHER JACKSON,	*	
3	Plaintiff	*	Case No.
4	vs.	*	2:21-CV-00316
5	WEST VIRGINIA STATE BOARD OF	*	
6	EDUCATION, HARRISON COUNTY	*	
7	BOARD OF EDUCATION, WEST	*	
8	VIRGINIA SECONDARY SCHOOL	*	
9	ACTIVITIES COMMISSION, W.	*	
10	CLAYTON BURCH in his official	*	
11	Capacity as State Superintendent,	*	
12	DORA STUTLER in her official	*	
13	Capacity as Harrison County	*	VIDEOTAPED DEPOSITION
14	Superintendent, PATRICK MORRISEY	*	OF
15	In his official capacity as	*	WESLEY SCOTT PEPPER
16	Attorney General, and THE STATE	*	January 19, 2022
17	OF WEST VIRGINIA,	*	
18	Defendants	*	

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VIDEOTAPED DEPOSITION  
  
OF  
  
WESLEY SCOTT PEPPER, taken on behalf of the Defendant,  
State of West Virginia, herein, pursuant to the Rules of  
Civil Procedure, taken before me, the undersigned,  
Nicole Montagano, a Court Reporter and Notary Public in  
and for the State of West Virginia, on Wednesday,  
January 19, 2022, beginning at 10:07 a.m.

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23 \* CONFIDENTIAL EXHIBITS

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1 A. A couple of years back my wife was talking about  
2 it. Like I said, I can't give you the exact date.

3 Q. And do you recall whether at any time prior to  
4 hearing about the House bill from your wife, any time  
5 prior to that, you notified WVSSAC of BPJ's interest in  
6 cross-country?

7 A. I didn't personally, no.

8 Q. Do you recall whether at any time prior to  
9 filing the lawsuit or your family filed the lawsuit you  
10 notified WVSSAC of BPJ's interest in running  
11 cross-country?

12 A. I did not.

13 Q. All right.

14 And do you recall whether any time prior to  
15 today, this moment, you notified WVSSAC of BPJ's  
16 interest in cross-country?

17 ATTORNEY HARTNETT: Objection to  
18 foundation.

19 THE WITNESS: My wife would have that  
20 information. I don't --- I don't know that information.  
21 I don't have that information.

22 BY ATTORNEY GREEN:

23 Q. All right.

24 And I was asking whether you personally had it.

1 Have you personally had any communications with WVSSAC?

2 A. No.

3 ATTORNEY GREEN: I don't have any other  
4 questions. I appreciate your time.

5 THE WITNESS: Thank you.

6 ATTORNEY GREEN: Thank you.

7 ---

8 EXAMINATION

9 ---

10 BY ATTORNEY DENIKER:

11 Q. Mr. Pepper, my name is Susan Deniker. I am  
12 counsel for the Harrison County Board of Education and  
13 the Harrison County Board of Education's Superintendant  
14 Dora Stutler. Thank you for your time today. We  
15 appreciate it. I have a few questions for you. Have  
16 you been involved in any meetings with any officials,  
17 any employees of Harrison County Board of Education  
18 relating to BPJ's gender identity and any accommodation  
19 of her gender identity in the school system?

20 A. I have not.

21 Q. Okay.

22 Have you had a conversation with any employee  
23 of the Harrison County Board of Education at anytime  
24 with regard to your daughter's gender identity?